

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
WILKES-BARRE DIVISION**

GRANT HEILMAN PHOTOGRAPHY, INC.,

Plaintiff,

v.

RONALD GALLAGHER dba LIFE  
EXPRESSION WELLNESS CENTER,

Defendant.

Civil Case No. \_\_\_\_\_

**COMPLAINT FOR COPYRIGHT INFRINGEMENT  
(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff GRANT HEILMAN PHOTOGRAPHY, INC. by and through its undersigned counsel, brings this Complaint against Defendant RONALD GALLAGHER dba LIFE EXPRESSION WELLNESS CENTER for damages and injunctive relief, and in support thereof states as follows:

**SUMMARY OF THE ACTION**

1. Plaintiff GRANT HEILMAN PHOTOGRAPHY, INC. (“GHP”) brings this action for violations of its exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy, display, and distribute his original copyrighted Work of authorship.
2. Plaintiff alleges that Defendant copied its copyrighted Work in order to advertise, market and promote their business activities. Defendant committed the violations alleged in connection with Defendant’s business for purposes of advertising and promoting sales to the public in the course and scope of the Defendant’s business.

**JURISDICTION AND VENUE**

3. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

4. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

5. Defendant is a resident business of Pennsylvania, and subject to personal jurisdiction in Pennsylvania.

6. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, and Defendant is subject to personal jurisdiction in this district.

### **PARTIES**

7. Plaintiff is an experienced professional photographer who makes a living from photography. GHP has provided the world with rights-managed stock photography for over seventy years. GHP is situated in Pennsylvania's beautiful Lancaster County farmland. Its library holds more than a half-million images in specialized subject matter, the finest selection of agriculture, natural science, horticulture, wildlife, and renewable energy imagery. GHP began marketing his imagery in 1948 after accumulating captivating photography that complemented his photojournalism career. GHP worked hard to establish an upstanding business philosophy that drew customers worldwide. In the past half century, GHP's library has grown to represent the collections of more than 150 professional photographers. GHP retains all copyrights to its photographs and licenses its copyrighted Works for commercial use.

8. LIFE EXPRESSION WELLNESS CENTER is a fictitious business name formed in Pennsylvania on or around September 14, 2005, owned by Defendant RONALD GALLAGHER.

9. Defendant RONALD GALLAGHER dba LIFE EXPRESSION WELLNESS CENTER ("LEWC") is a wellness center focused on the natural healing arts of Biodynamic

Craniosacral, Chiropractic, Acupuncture and Massage Therapy, with its principal place of business in Sugarloaf, Pennsylvania.

10. LEWC is a multi-disciplinary health center with craniosacral therapy, chiropractic care and therapeutic massage located in northeastern Pennsylvania.

11. At all times relevant herein, LEWC owned and operated the internet website located at the URL [www.lifeexpressionwellness.com](http://www.lifeexpressionwellness.com) (the “Website”). The Website contains information about the company, its services, and a blog.

#### **THE COPYRIGHTED WORK AT ISSUE**

12. In 1994, Plaintiff created the artwork entitled “1994 Grant Heilman Published Collection”, which is shown below and referred to herein as the “Work”.



13. Plaintiff created and published the Work in the United States.

14. Plaintiff registered the Work in the United States with the Register of Copyrights on August 22, 2008 and was assigned the registration number VA 1-643-925.

15. At all relevant times Plaintiff was the owner of the copyrighted Work at issue in this case.

16. The Work is protected by copyright but is not otherwise confidential, proprietary, or trade secret.

**INFRINGEMENT BY DEFENDANT**

17. Defendant has never been licensed to use the Work at issue in this action for any purpose.

18. On a date after the Work at issue in this action was created, but prior to the filing of this action, Defendant copied the Work.

19. On or about March 15, 2023, GHP discovered the unauthorized use of its Work on the Website.

20. Defendant copied Plaintiff's copyrighted Work without Plaintiff's permission.

21. After Defendant copied the Work, it made further copies and distributed the Work on the internet to promote the sale of services as part of its wellness business.

22. Defendant copied and distributed Plaintiff's copyrighted Work in connection with its business for purposes of advertising and promoting her business, and in the course and scope of advertising and selling services.

23. Defendant committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 1**.

24. Plaintiff never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

25. Plaintiff notified Defendant of the allegations set forth herein in a letter dated March 29, 2023. The parties have been in contact but, to date, have failed to resolve the matter.

**COUNT I**  
**COPYRIGHT INFRINGEMENT**

26. Plaintiff incorporates the allegations of paragraphs 1 through 24 of this Complaint as if fully set forth herein.
  27. Plaintiff owns a valid copyright in the Work at issue in this case.
  28. Defendant copied, displayed, and distributed the Work at issue in this case without Plaintiff's authorization in violation of 17 U.S.C. § 501.
  29. Defendant performed the acts alleged in the course and scope of her business activities.
  30. Defendant's acts were willful.
  31. Plaintiff has been damaged.
  32. The harm caused to Plaintiff is irreparable.
- WHEREFORE, Plaintiff Grant Heilman Photography, Inc. prays for judgment against the Defendant Ronald Gallagher dba Life Expression Wellness Center that:
- a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with it, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;
  - b. Defendant be required to pay Plaintiff its actual damages and Defendant's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;
  - c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
  - d. Plaintiff be awarded pre- and post-judgment interest; and

e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: July 6, 2023

Respectfully submitted,

/s/ Joseph A. Dunne  
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